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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/536,926	05/31/2005	Kazumi Aoyama	450100-04849	6572

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EXAMINER

OPSASNICK, MICHAEL N

ART UNIT

PAPER NUMBER

2626

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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

# Office Action Summary

**Application No.**

10/536,926

**Applicant(s)**

AOYAMA ET AL.

**Examiner**

MICHAEL N. OPSASNICK

**Art Unit**

2626

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 31 May 2005.  
2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.  
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-36 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.  
6) ☒ Claim(s) 1-36 is/are rejected.  
7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.  
8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.  
10) ☒ The drawing(s) filed on 31 May 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☒ All b) ☐ Some \* c) ☐ None of:  
1. ☒ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)  
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3) ☒ Information Disclosure Statement(s) (PTO/5508)  
Paper No(s)/Mail Date \_\_\_\_\_  
4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_  
5) ☐ Notice of Informal Patent Application  
6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Specification***

1. Applicant is reminded of the proper content of an abstract of the disclosure.

A patent abstract is a concise statement of the technical disclosure of the patent and should include that which is new in the art to which the invention pertains. If the patent is of a basic nature, the entire technical disclosure may be new in the art, and the abstract should be directed to the entire disclosure. If the patent is in the nature of an improvement in an old apparatus, process, product, or composition, the abstract should include the technical disclosure of the improvement. In certain patents, particularly those for compounds and compositions, wherein the process for making and/or the use thereof are not obvious, the abstract should set forth a process for making and/or use thereof. If the new technical disclosure involves modifications or alternatives, the abstract should mention by way of example the preferred modification or alternative.

The abstract should not refer to purported merits or speculative applications of the invention and should not compare the invention with the prior art.

Where applicable, the abstract should include the following:

- (1) if a machine or apparatus, its organization and operation;
- (2) if an article, its method of making;
- (3) if a chemical compound, its identity and use;
- (4) if a mixture, its ingredients;
- (5) if a process, the steps.

Extensive mechanical and design details of apparatus should not be given.

### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-36 are rejected under 35 U.S.C. 102(b) as being anticipated by Fukui (5918222).

As per claim 1,36, Fukui (5918222) teaches a dialog control device/robot characterized by comprising: memory means for storing various pieces of information appended to an object as values corresponding to respective items of the object (fig. 94, col. 46 lines 15-16); and conversation generation means for selecting, in response to an item of said object defined as topic, another topic relating to the topic used in the immediately preceding conversation (as topics – fig. 94, col. 46 lines 30-60); and generating an acquisition conversation for acquiring the value of the item selected as topic (as value-topic relationship – col. 61 lines 17-22) or a utilization conversation for utilizing the value of the item in the topic already stored in said memory means as the next conversation (col. 46 lines 30-45); said conversation generation means being adapted to store the acquired value acquired by said acquisition conversation as the value of the corresponding item (as generating the next conversation based on topic change – col. 52 lines 19-25,47-49)..

As per claims 2-11, Fukui (5918222) teaches the device according to claim 1, wherein said conversation generation means selects: any other item, relating to, differing relationships between the object, topic and values used in said immediately preceding conversation belongs as the next topic and generates said utilization conversation by utilizing the value of the item

already stored in said memory means (as changing to next topic based on values extracted from the user – col. 52 lines 19-45; figs. 2, 12, 22, 189-193).

As per claims 12-14, Fukui (5918222) teaches the device according to claim 1, wherein said conversation generation means includes: memory acquisition conversation generation means for generating said acquisition conversation; memory utilization conversation generation means for generating said utilization conversation; situation judgment means for selecting either said memory acquisition conversation generation means or said memory utilization conversation generation means and have said memory acquisition conversation generation means or said memory utilization conversation generation means, whichever selected, generate said next conversation; wherein the situation judgment decides memory acquisition or memory utilization based on a ratio of acquired/non-acquired items and first extent is different than the second extent (as decision based upon conversation state, judging whether more information is needed, and acquiring/accessing the information -- figs. 167, 169, 171).

As per claims 15, 16, Fukui (5918222) teaches the device according to claim 1, wherein said conversation generation means holds history of the used topics and generates said acquisition conversation or said utilization conversation by referring to the history, and not using the same topic via history information (col. 9 lines 1-25).

As per claims 17, 18, Fukui (5918222) teaches the device according to claim 1, wherein said memory means stores the values of the items of said object along with their respective degrees of impression that provide reference for deciding if any of the values may be used in the

conversations with said object or not and said conversation generation means selects the topic to be used in the next conversation on the basis of the degree of impression thereof; and internal condition management means adapted to hold parameters indicating the internal condition and change the values of the parameters according to external stimuli; each of said degrees of impression representing the difference of the parameter values of the corresponding parameter held by said internal condition management means before and after the acquisition of the corresponding value (as generating expression scores including likelihood and strength, prediction, system response contents – figs. 173-176; including degree of expression, figs. 177-179)

Claims 19-35 are method claims that are performed by the apparatus claims 1-18 and as such, are similar in scope and content to claims 1-18 and therefore, claims 19-35 are rejected under similar rationale as presented against claims 1-18 above.

### *Conclusion*

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Please see related art listed on the PTO-892 form.
5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael Opsasnick, telephone number (571)272-7623, who is available Monday-Friday, 9am-5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. Richemond Dorvil, can be reached at (571)272-7602. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Michael N. Opsasnick/  
Primary Examiner, Art Unit 2626  
03/24/2010